

2nd AMENDED

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of filing in State Engineer's Office NOV 22 1994Returned to applicant for correction JAN 10 1995Corrected application filed FEB 03 1995Map filed Feb 3, 1995The applicant Midas Joint Venture6121 Lakeside Drive, Suite 240, of Reno

Street and No. or P.O. Box No.

City or Town

Nevada 89511

State and Zip Code No.

hereby make S application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a copartnership or association, give names of members.) Joint venture composed of Franco-Nevada

Mining Corporation, Inc., a Nevada corporation incorporated on 4/13/83and Euro-Nevada Mining Corporation, Inc., a Nevada corporation incorporated on 4/27/87.

- The source of the proposed appropriation is Underground
Name of stream, lake, spring, underground or other source
- The amount of water applied for is 2 cfs second-feet
One second-foot equals 448.83 gals. per min.
(a) If stored in reservoir give number of acre-feet
- The water to be used for mining, exploration, drilling, test mining
Irrigation, power, mining, manufacturing, domestic, or other use. Must limit to one use.
- If use is for:
 - Irrigation, state number of acres to be irrigated
 - Stockwater, state number and kinds of animals to be watered
 - Other use (describe fully under No. 12. "Remarks")
 - Power:
 - Horsepower developed
 - Point of return of water to stream

- The water is to be diverted from its source at the following point NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 34, T.39N.,
Describe as being within a 40-acre subdivision of public
R.46E., M.D.B.&M. or at a point which bears N. 15°29'55" E. a distance
survey, and by course and distance to a section corner. If on unsurveyed land, it should be so stated.
of 3707.18 feet to the NE corner of Section 34 (see Point of Diversion
Map submitted herewith)
- Place of use All of sections 15, 16, 21, 22, 27, 28 & 34, T. 39 N., R.46E. M.D.B.&M.
Describe by legal subdivision. If on unsurveyed land, it should be so stated.

- Use will begin about January 1 and end about December 31, of each year.
Month and Day Month and Day

- Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) Well with pump and flow meter (15 hp-460
State manner in which water is to be diverted, i.e. diversion structure, ditches and
3 phase generator and pump; storage tank)
flumes, drilled well with pump and motor, etc.

9. Estimated cost of works \$16,100.00; \$3,700 for pump; \$1,170 wire and pipe; \$1,600
installation; \$600 pump handle/harness; \$9,000 20KVa generator
 10. Estimated time required to construct works 2 weeks
 If well completed, describe works.

11. Estimated time required to complete the application of water to beneficial use seven (7) years

12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use:

Use approximately 4,000 gallons per day, seven days per week. Use
10,000 gallon storage tank, gravity feed into tank truck for distribution
to drill, exploration, and test mining sights.

By s/illegible
6121 Lakeside Drive, Suite 240
Reno, Nevada 89511
 Compared jk/sm jr/bk

Protested _____

APPROVAL _____ OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit is issued subject to existing rights. It is understood that the amount of water herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the amount of water actually placed to beneficial use. It is also understood that this right must allow for a reasonable lowering of the static water level. This well shall be equipped with a two (2) inch opening for measuring depth to water. If the well is flowing, a valve must be installed and maintained to prevent waste. A totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of water begins or before the Proof of Completion of Work is filed.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.
 (CONTINUED ON PAGE 2)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.25 cubic feet per second but not to exceed 5.0 acre-
feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before September 15, 1996

Proof of completion of work shall be filed before October 15, 1996

Application of water to beneficial use shall be filed on or before September 15, 1999

Proof of the application of water to beneficial use shall be filed on or before October 15, 1999

Map in support of proof of beneficial use shall be filed on or before N/A

NOV 15 1996

Completion of work filed _____
 Proof of beneficial use filed _____
 Cultural map filed _____
 Certificate No. _____ Issued _____

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E.
 State Engineer of Nevada, have hereunto set my hand and the seal of my

office, this 15th day of September

A.D. 95

[Signature]
 State Engineer

Abrogated By Port 62063-T 00178 Ep 9/2/97

(PERMIT TERMS CONTINUED)

The manner of use of water under this permit is by nature of its activity a temporary use and any application to change the manner of use granted under this permit will be subject to additional determination and evaluation with respect to the permanent effects on existing rights and the resource within the ground water basin.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

